

M.P.Nos.1 to 1 of 2013
in Rev.Appl.No.SR.Nos.1167, 1171, 1175, 1179, 1183,
1187, 1191, 1195, 1199 and 1203 of 2013
in S.A.Nos.520 to 529 of 1998

RMT.TEEKAA RAMAN, J.

All these Miscellaneous Petitions and M.P.Nos.1 of 2013 in the respective Review Application are taken out by Pollachi Co-operative House Construction Society, against the Order passed in the respective Second Appeal Nos.520 to 529 of 1998 as mentioned above, on the ground that all these Second Appeals have been filed by the Society.

2.The Civil Suit in O.S.Nos.275 to 284 of 1990 challenging the demand of property tax levied by the Pollachi Municipality was dismissed and then the appeal was allowed. Consequently, aggrieved by the Judgment and Decree passed in the Appellate Stage in all the cases the Pollachi Municipality filed the above Second Appeals. Anticipating such move the present petitioners have also entered caveat by properly mentioning the name of the Society as Pollachi Co-operative House Construction Society. However, it appears that the Pollachi Municipality has preferred the Second Appeals by literally translating the name of the Society as Pollachi Co-operative House Building Society Limited and resultantly it appears that notices have been served to the said named Society, since their existed a Society with that name at Thanthai

Periyar Malligai, Venkatesa Colony at Pollachi, instead of correct address of the petitioner who are the plaintiff in the Second Appeals at No.16, Kamaraj Road, Mahalingapuram, Pollachi.

3.The learned Senior Counsel Mr.B.Singaravelan has drawn my attention to the address of these petitioners, who are the plaintiffs in the suit and whose address is noted above. It appears that in view of such mistaken identity, the Society was not a party, they have not contested the case and it appears that based upon the submissions made by the learned counsel for the Pollachi Municipality all the Second Appeals appears to have been allowed. Consequently thereof, the Pollachi Municipality appears to have taken further proceedings for recovery of the property tax and which is challenged by way Writ Petition. The learned Senior Counsel for the petitioner could submit that only at that time they come to know about the admission and disposal of the Second Appeal, since no notice or summon was served upon the petitioner herein, who are respondent / plaintiff in the above Second Appeals and they have also preferred the Writ Petition in W.P.No.2639 of 2013 before this Court challenging the subsequent action taken by the Municipality.

4.It appears from the record that the Registry has raised an objection that there is some delay in filing the Review Application against the Judgment and Decree in the above Second Appeals and accordingly they have also filed Miscellaneous Petitions. Having perused the records and also having

considered the submissions made in connection with the defect in literal translation in the name of the Society and also the address thereof, I am inclined to allow all these Miscellaneous Petitions seeking leave to file Review Application. Accordingly all M.P.Nos.1 of 2013 shall stands allowed.

5.The Registry is directed to number the Review Applications since they are not the party to the Second Appeals that they filed the caveat due to the mistaken translation, it appears that they were not served and hence, the delay has not arisen on the above factual matrix of the case. In this view of the matter, all the petitions that are in the SR stage to condone the delay are unnecessary and accordingly, the Registry is directed to number the Review Applications. The name of the standing counsel for the respondent printed however none appears.

6.All the Miscellaneous Petitions in M.P.Nos.1 of 2013 are allowed. Post the matter before the concerned Court.

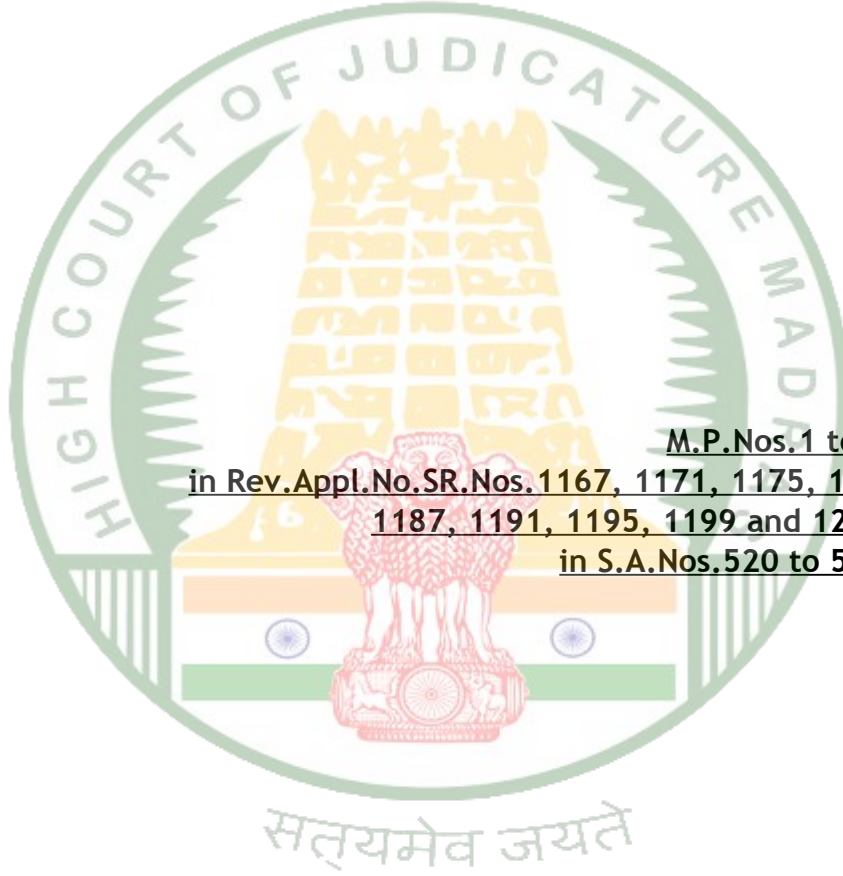
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